

CRS Report for Congress

The U.S. Secret Service: An Examination and Analysis of Its Evolving Missions

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Summary

The U.S. Secret Service has two missions — criminal investigations and protection. Criminal investigation activities, which have expanded since its inception as a small anti-counterfeiting operation at the end of the Civil War, now encompass financial crimes, identity theft, counterfeiting, computer fraud, and computer-based attacks on the nation's financial, banking, and telecommunications infrastructure, among other areas. Protection activities, which have expanded and evolved since the 1890s, include the safety and security of the President, Vice President, their families, and other identified individuals and locations.

In March 2003, the U.S. Secret Service was transferred from the Department of the Treasury to the Department of Homeland Security as a distinct entity. Prior to enactment of the Homeland Security Act of 2002 (P.L. 107-296), the U.S. Secret Service had been part of the Treasury Department for over 100 years.

During an April 2008 hearing on the FY2009 budget request for the U.S. Secret Service, Members of Congress raised questions related to the missions and organizational location of the Service. Are the two missions of the Service compatible and how should they be prioritized? Is the Department of Homeland Security the most appropriate organizational and administrative location for the Secret Service? These, and other policy questions, have been raised and addressed at different times by Congress and various administrations during the long history of the Service. Some may contend that these and other questions call for renewed attention given the recent increase in demand for the Service's protection function (for example, see H.R. 5938 pending in the 110th Congress) and the advent of new technology used in financial crimes.

This report will be updated when congressional or executive branch actions warrant.

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The U.S. Secret Service: An Examination and Analysis of Its Evolving Missions

Introduction

The U.S. Secret Service (USSS), a distinct entity within the Department of Homeland Security (DHS), has two missions — criminal investigations and protection.¹ Criminal investigation activities encompass financial crimes, identity theft, counterfeiting, computer fraud, and computer-based attacks on the nation's financial, banking, and telecommunications infrastructure. The protection mission is the most prominent of the two, covering the President, Vice President, their families, former Presidents, and major candidates for those offices, along with the White House and the Vice President's residence (through the Service's Uniformed Division). Protective duties of the Service also extend to foreign missions in the District of Columbia and to designated individuals, such as the Homeland Security Secretary and visiting foreign dignitaries. Separate from these specific mandated assignments, USSS is responsible for certain security activities such as National Special Security Events (NSSEs), which include the major party quadrennial national conventions as well as international conferences and events held in the United States.

Over the past century, USSS's protection mission has received more congressional action than its investigation mission, which was the agency's initial responsibility when it was created in 1865.² Most recently, in the 110th Congress, the House recently passed H.R. 5938, "Former Vice President Protection Act of 2008," which would provide Vice Presidents and their families USSS protection for six months after leaving office. Additionally, a House committee conducted a hearing in April 2008 on the FY2009 budget request and the issue of the Service's presidential candidate protection.³ This report frames potential policy questions concerning the Service's mission and organization through an examination of the USSS history and its statutory authorities, mission, and present activities within DHS.

¹ The Homeland Security Act of 2002 (P.L. 107-296) transferred USSS to the newly created DHS. All of the Service's functions were transferred and it was to remain a "distinct" entity within DHS. Since being transferred to DHS in 2003, the USSS has continued to execute its investigative and protection missions.

² Of the 43 statutes referenced in this report, 26 were directly related to USSS's protection mission.

³ U.S. Congress, House Committee on Appropriations' Subcommittee on Homeland Security, *Fiscal Year 2009 Budget for Secret Service's Candidate Protection*, 110th Cong., 2nd sess., April 3, 2008.

In recent years Congress has appropriated approximately \$1.5 billion annually for the USSS. The following table presents data on the Service's recent budget authority.

Table 1. FY2007-FY2008 Budget Authority, and the FY2009 Budget Request for USSS

(Amounts in millions)

Budget Activity	FY2007	FY2008	FY2009
Domestic Protectees	\$923	\$910	\$962
Foreign Protectees and Diplomatic Missions	\$97	\$136	\$140
Protective Intelligence	\$92	\$75	\$77
Campaign Protection	\$12	\$85	\$41
Protection Subtotal	\$1,124	\$1,206	\$1,220
Financial Investigations	\$320	\$334	\$360
Infrastructure Investigations	\$49	\$55	\$58
Investigation Subtotal	\$369	\$389	\$418
Total	\$1,493	\$1,595	\$1,638

Source: U.S. Department of Homeland Security, U.S. Secret Service, *Fiscal Year 2009 Congressional Justification: Strategic Context*, p. 14.

U.S. Secret Service Missions

Since 1865, USSS has evolved into a federal law enforcement agency with statutory authority to conduct criminal investigations and protect specific federal officials, individuals, and sites. Congress transferred USSS to the Department of Homeland Security (DHS) in 2002.⁴ Previously, it had been part of the U.S. Department of Treasury, since its inception in 1865.

Investigations

The original mission of the Service was to investigate the counterfeiting of United States currency. This mission has been expanded throughout the agency's history through presidential, departmental, and congressional action.⁵ At times, early in the agency's history, Secret Service agents conducted investigations that were not related to financial system crimes. Examples include the investigation of the Ku

⁴ 116 Stat. 2224.

⁵ U.S. Department of Homeland Security, U.S. Secret Service, "United States Secret Service: Investigative Mission," available at [<http://www.secretservice.gov/investigations.shtml>].

Klux Klan in the late 1860s and counter- espionage activities in the United States during World War I.⁶

Today, USSS conducts criminal investigations into counterfeiting and financial crimes.⁷ Within the investigative mission area is the USSS's forensic services and investigative support unit. USSS forensic services personnel conduct analyses of evidence, some of which includes documents, fingerprints, false identification documents, and credit cards, to assist in USSS investigations.⁸ USSS's investigative support is also responsible for developing and implementing a criminal and investigative intelligence program. One of the aspects of this program is the Criminal Research Specialist Program, which provides intelligence analysis related to infrastructure protection, conducts forensic financial analysis, and provides research and analytical support to USSS criminal investigations.⁹ Additionally, in 1994, Congress mandated that USSS provide forensic and technical assistance to the National Center for Missing and Exploited Children.¹⁰

Protection

From protecting President Grover Cleveland in 1894 on a part-time basis to protecting presidential candidates in 2008, the USSS history of protection has been directed by unofficial decisions (such as the protection of President Cleveland) and congressional mandate (such as the protection of major presidential candidates). USSS protection activities have increased over the years, with only one instance of a specified type of protectee being removed from the authorized list.¹¹

For the first time, in 2008, USSS protected a spouse of a former President who was also a presidential candidate, and it is protecting a Vice-President who is not running for his political party's nomination. The following are the current individuals authorized USSS protection in 18 U.S.C. §3056(a):

⁶ U.S. Department of Homeland Security, U.S. Secret Service, "United States Secret Service: Secret Service History," available at [<http://www.secretservice.gov/history.shtml>].

⁷ Financial crimes include identity theft, counterfeit and fraudulent identification, electronic access fraud, computer fraud, forgery, money laundering, electronic benefits transfer fraud, asset forfeiture, and advance fee. For a detailed definition of each of these crimes, see the U.S. Secret Service's website on "Criminal Investigations," available at [<http://www.secretservice.gov/criminal.shtml>].

⁸ U.S. Department of Homeland Security, U.S. Secret Service, "United States Secret Service: Forensic Services," website available at [<http://www.secretservice.gov/forensics.shtml>].

⁹ U.S. Department of Homeland Security, U.S. Secret Service, "United States Secret Service: Investigative Support," website available at [http://www.secretservice.gov/investigative_support.shtml].

¹⁰ 108 Stat. 2043.

¹¹ 91 Stat. 3 authorized USSS to continue to protect specific federal officials who had received protection during the term of their employment; this was repealed in 1984 (98 Stat. 3110).

- President, Vice President, President and Vice President-elect;¹²
- the immediate families of those listed above;¹³
- former Presidents and their spouses;¹⁴
- former Presidents' children under the age of 16;
- visiting heads of foreign states or governments;
- distinguished foreign visitors and official United States representatives on special missions abroad; and
- major presidential and vice presidential candidates and, within 120 days of the general presidential elections, their spouses.¹⁵

Similar to the evolution of who has been protected by USSS, protection operations have also evolved. Originally, USSS protection entailed agents being, what could be described as, “bodyguards.” Now protection includes not only the presence of agents in close proximity of the protectee, but also advance security surveys of locations to be visited,¹⁶ coordination with state and local enforcement entities, and intelligence analysis of present and future threats. The USSS protection mission uses human resources and physical barriers, technology, and a review of critical infrastructures and their vulnerabilities.¹⁷ Statutes also authorize USSS to conduct such other activities as participating in the planning, coordination, and implementation of security operations at special events of national significance, and providing forensic and investigative assistance involving missing or exploited children.¹⁸

Historical Overview of USSS Statutes

The “Investigation Mission” and “Protection Mission” have distinctive characteristics and histories, and each has been affected by unofficial decisions and congressional action. However, its protective mission has received the most congressional attention through legislative action, and has been reinforced by the

¹² This protection can not be declined.

¹³ From this bullet forward, all of these individuals can decline protection.

¹⁴ Former Presidents and spouses may receive protection for their lifetime, unless they serve in office after January 1, 1997 or decline the protection. If they serve after January 1, 1997, they are authorized to receive protection for 10 years after the date of leaving office and may decline the protection at any time.

¹⁵ “Major” presidential and vice presidential candidates are determined by the DHS Secretary after consulting with an advisory committee. The advisory committee consists of the Speaker and minority leader of the House of Representatives, Senate majority and minority leaders, and one other member chosen by the committee.

¹⁶ Some of the issues addressed during an advanced survey include the assessment of manpower and equipment needs, and the location of hospitals. See USSS website on “Protection,” available at [http://www.secretservice.gov/protection_works.shtml].

¹⁷ U.S. Department of Homeland Security, U.S. Secret Service, “United States Secret Service: How Protection Works,” website available at [http://www.secretservice.gov/protection_works.shtml].

¹⁸ 18 U.S.C. 3056(e)-(f).

Service's transfer to DHS following the terrorist attacks on September 11, 2001.¹⁹ Nonetheless, the investigation mission also has expanded. These missions are addressed below.

It should be noted that since USSS's transfer to DHS, any statute still in effect authorizing or requiring the Treasury Secretary to perform some function connected to the USSS's previous statutory responsibilities has now been assumed by the DHS Secretary. This report does not detail every law enacted that has affected USSS, but instead attempts to identify important congressional actions that addressed the role and responsibility of the Service. Additionally, the Appendix to this report provides a list and brief description of the statutes identified in this report.

Investigation Mission

In 1806, Congress passed the Enforcement of Counterfeiting Prevention Act, which enabled U.S. marshals and district attorneys to investigate and prosecute counterfeiters.²⁰ The authority to investigate counterfeiting was later transferred to the Department of Treasury (TREAS) in 1860.²¹ In order to regulate U.S. currency and increase sanctions against counterfeiters, Congress passed the National Currency Act in 1863.²² Also in 1863, the Treasury Secretary directed the Office of the Solicitor of Treasury to assume the department's role in investigating counterfeiting.²³

Counterfeiting continued to be a problem for the federal government throughout the Civil War; and by 1865, between one-third and one-half of all U.S. currency in circulation was counterfeit.²⁴ As a result of this currency crisis, the Treasury Secretary established the Secret Service Division (SSD), within the Office of the Solicitor of Treasury in 1865.²⁵ At the July 5, 1865, swearing in of the new chief of the SSD, William P. Wood, Treasury Secretary Hugh McCulloch stated "your main objective is to restore public confidence in the money of the country."²⁶ SSD's

¹⁹ Of the 43 statutes referenced in this report, 26 of them affect the service's protection mission.

²⁰ 2 Stat. 404.

²¹ 12 Stat. 102.

²² 12 Stat. 665.

²³ The U.S. National Archives & Records Administration, "Records of the U.S. Secret Service," website available at [<http://www.archives.gov/research/guide-fed-records/groups/087.html>].

²⁴ Philip H. Melanson, and Peter F. Stevens, *The Secret Service: The Hidden History of an Enigmatic Agency*, New York, 2002, Carroll & Graf Publishers, p. 4.

²⁵ The U.S. National Archives & Records Administration, "Records of the U.S. Secret Service," website available at [<http://www.archives.gov/research/guide-fed-records/groups/087.html>].

²⁶ Philip H. Melanson, and Peter F. Stevens, *The Secret Service: The Hidden History of an Enigmatic Agency*, p. 3.

primary responsibility was to investigate counterfeiting, forging, and the altering of United States' currency and securities.²⁷

The Office of Solicitor of the Treasury administered the SSD until 1879.²⁸ Statutory recognition was given to SSD in 1882 when the 47th Congress appropriated funds, as follows.

SECRET SERVICE DIVISION. — For one chief, three thousand five hundred dollars; one chief clerk, two thousand dollars; one clerk of class four; two clerks of class two; one clerk of class one; one clerk at one thousand dollars; and one attendant at six hundred and eighty dollars; in all, twelve thousand nine hundred and eighty dollars;²⁹

The investigation of counterfeiting continued to be the service's only mission until 1894, when it acquired its protection function.³⁰

In 1915, President Woodrow Wilson directed the Treasury Secretary to have SSD investigate espionage in the United States, which expanded on its limited espionage mission conducted during the Spanish-American War in 1898.³¹ This mission was phased out at the end of World War I, similar to its espionage mission ending following the Spanish-American War.

In the first half of the 20th Century, Congress continued to authorize the Treasury Secretary to “direct and use” SSD to “detect, arrest, and deliver into custody of the United States marshal having jurisdiction any person or persons violating” counterfeit laws.³² In 1948, SSD was also authorized to investigate crimes against the Federal Deposit Insurance Corporation, federal land banks, joint-stock land banks, and national farm loan associations.³³ As throughout USSS's history, Congress continued to amend the Service's investigation mission.³⁴

²⁷ The U.S. National Archives & Records Administration, “Records of the U.S. Secret Service,” website available at [<http://www.archives.gov/research/guide-fed-records/groups/087.html>].

²⁸ Ibid. The Office of Solicitor of the Treasury was transferred to the Department of Justice in 1870 (16 Stat. 162), but continued to administer the SSD until 1879 even though the SSD remained within the Treasury Department.

²⁹ 22 Stat. 230.

³⁰ The protection mission, however, did not appear in statute until 1906.

³¹ U.S. Department of Homeland Security, U.S. Secret Service, “United States Secret Service: Secret Service History,” website available at [<http://www.secretservice.gov/history.shtml>].

³² 44 Stat. 918, and 48 Stat. 178.

³³ 62 Stat. 818.

³⁴ 76 Stat. 809 authorizes reimbursement to USSS for funds expended in purchasing counterfeit currency.

Due to the increased use of computers and electronic devices in financial crime, Congress, in 1984, authorized USSS to investigate violations related to credit card and computer fraud.³⁵ Two years later in 1986, the Treasury Police Force was merged into the Secret Service Uniformed Division as part of its protection mission.³⁶

In the 1990s, Congress continued to amend laws affecting the investigation, prosecution, and punishment of crimes against United States financial systems. One authorized USSS investigation of crimes against financial systems by authorizing the Service to conduct civil or criminal investigations of federally insured financial institutions. This investigation jurisdiction was concurrent with the Department of Justice's investigation authority.³⁷ Another law was the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322), which made international manufacturing, trafficking, and possessing of United States currency a crime as if it were committed in the United States. Congress also enacted laws related to telemarketing fraud (P.L. 105-184), and identity theft (P.L. 105-318). Both telemarketing and identity theft are used in committing financial fraud and crime.

Following the terrorist attacks of September 11, 2001, Congress enacted the USA PATRIOT Act.³⁸ Among numerous provisions addressing the protection of the United States financial systems and electronic device crimes, the act contains a provision that authorizes the Service to establish nationwide electronic crime task forces to assist law enforcement, private sector, and academic entities in detecting and suppressing computer-based crimes.³⁹

Protection Mission

In 1894, SSD began (unofficially) to protect President Grover Cleveland on a part-time basis. In fact, USSS agents guarded him and his family at their vacation home in the Summer of 1894.⁴⁰ President William McKinley also received SSD protection during the Spanish-American War and limited protection following the

³⁵ 98 Stat. 2192. U.S. Department of Homeland Security, U.S. Secret Service, "United States Secret Service: Secret Service History," website available at [<http://www.secretservice.gov/history.shtml>].

³⁶ U.S. Department of Homeland Security, U.S. Secret Service, "United States Secret Service: Secret Service History," website available at [<http://www.secretservice.gov/history.shtml>].

³⁷ 104 Stat. 1427.

³⁸ P.L. 107-56.

³⁹ 115 Stat. 277.

⁴⁰ U.S. Department of Homeland Security, U.S. Secret Service, "United States Secret Service: Secret Service History," website available at [<http://www.secretservice.gov/history.shtml>], and Frederick Kaiser, "Origins of Secret Service Protection of the President: Personal, Interagency, and Institutional Conflict," *Presidential Studies Quarterly*, 1988, vol. XVIII, num. 1, p. 102. These early protective activities violated the strictures in the Service's appropriations that limited it to counterfeiting investigations.

end of the war.⁴¹ There were three SSD agents present when President McKinley was assassinated in Buffalo, New York, but reportedly not fully in charge of the protection mission.⁴²

Following the assassination of President McKinley, in 1901, Congress informally requested SSD to protect the President.⁴³ Five years later Congress, for the first time, appropriated funds for the protection of the President with the passage of the Sundry Civil Expenses Act for 1907 (enacted in 1906).⁴⁴

Even as the SSD's protection mission was authorized by Congress through statute, the Service continued to investigate counterfeiting. Additionally, as with its investigation into the Ku Klux Klan, SSD began another task outside the purview of its original mandate; the investigation of land fraud in the western United States in the early 1900s.⁴⁵

In 1908, SSD's protection mission was expanded to include the President-elect.⁴⁶ In that same year, President Theodore Roosevelt transferred a number of SSD agents to the Department of Justice, which served as the foundation for the Federal Bureau of Investigation.⁴⁷ Annual congressional authorization of the mandate to protect the President and President-elect began in 1913.⁴⁸

⁴¹ Frederick Kaiser, "Origins of Secret Service Protection of the President: Personal, Interagency, and Institutional Conflict," *Presidential Studies Quarterly*, 1988, vol. XVIII, no. 1, p. 112.

⁴² *Ibid.*

⁴³ U.S. Department of Homeland Security, U.S. Secret Service, "United States Secret Service: Secret Service History," website available at [<http://www.secretservice.gov/history.shtml>]. For further information on presidential assassinations, see CRS Report RS20821, *Direct Assaults Against Presidents, Presidents-Elect, and Candidates*, by Frederick M. Kaiser.

⁴⁴ 34 Stat. 708.

⁴⁵ U.S. Department of Homeland Security, U.S. Secret Service, "United States Secret Service: Secret Service History," website available at [<http://www.secretservice.gov/history.shtml>]. According to the USSS, millions of acres were returned to the federal government as a result of the Service's investigations. In this case, Service agents were temporarily assigned to the Departments of Justice and Interior to conduct the investigations, as neither department had a permanent investigation force.

⁴⁶ U.S. Department of Homeland Security, U.S. Secret Service, "United States Secret Service: Secret Service History," website available at [<http://www.secretservice.gov/history.shtml>].

⁴⁷ *Ibid.*

⁴⁸ 38 Stat. 23. Congress continued to authorize this protection annually until 1951, when it permanently authorized USSS's protective mission in statute (65 Stat. 122).

During World War I threats began to arrive at the White House, which resulted in a 1917 law making it a crime to threaten the President.⁴⁹ Additionally, in that same year, Congress authorized SSD to protect the President's immediate family.⁵⁰

As part of increasing the protection of the President and the President's family, the White House Police Force was created in 1922 to secure and patrol the Executive Mansion and grounds in Washington, DC. Initially, the White House Police Force was not supervised or administered by SSD; instead, the President or his appointed representative supervised the White House Police Force.⁵¹ In 1930, however, Congress mandated that the White House Police Force be supervised by the SSD.⁵² In 1943, Congress appropriated funding, for the first time, for both the investigation and protection mission, specifically for: "suppressing" counterfeiting and "other" crimes; protecting the President, the President-elect, and their immediate families; and providing funding for the White House Police Force.⁵³

In 1951, Congress permanently authorized the "U.S. Secret Service" to protect the President, his immediate family, the President-elect, and the Vice President — if the Vice President so desired.⁵⁴ In 1954, Congress used the title "U.S. Secret Service" in an appropriation act.⁵⁵

Eleven years after permanently authorizing USSS's protection mission, Congress called for the protection of the Vice President⁵⁶ (or the next officer to succeed the President), the Vice President-elect, and each former President "at his request" for "a reasonable period after he leaves office."⁵⁷ In 1963, following the assassination of President John F. Kennedy, Congress enacted legislation that authorized protection for Mrs. Jacqueline Kennedy and her children for two years.⁵⁸

In 1965, Congress authorized permanent protection for former Presidents and their spouses for the duration of their lives, and protection of their children until age 16.⁵⁹ Also in that year, Congress increased USSS law enforcement responsibilities

⁴⁹ 39 Stat. 919.

⁵⁰ 40 Stat. 120.

⁵¹ 42 Stat. 841.

⁵² 46 Stat. 328.

⁵³ 57 Stat. 259-260.

⁵⁴ 65 Stat. 122.

⁵⁵ 67 Stat. 68. The U.S. National Archives & Records Administration, "Records of the U.S. Secret Service," website available at [<http://www.archives.gov/research/guide-fed-records/groups/087.html>].

⁵⁶ From 1951 to 1962, the Vice President was protected by USSS if "he so desired."

⁵⁷ 76 Stat. 956.

⁵⁸ 77 Stat. 348.

⁵⁹ 79 Stat. 791.

by authorizing the Service's agents to make arrests without warrant for crimes committed in their presence.⁶⁰

The initial protection of Mrs. Kennedy (a widow of a former President) was not extended.⁶¹ Congress, in 1967, authorized protection to former Presidents' widows and minor children until March 1, 1969.⁶² This protection became permanent in 1968.⁶³ USSS's protection mission was further expanded in that same year following the assassination of Senator Robert F. Kennedy (a presidential candidate). Congress authorized the Treasury Secretary to determine which presidential and vice presidential candidates should receive USSS protection.⁶⁴ An advisory committee was established to assist the Treasury Secretary in determining what candidates could receive protection. The committee included the Speaker of the House of Representatives, the minority leader of the House of Representatives, the Senate majority and minority leaders, and one additional member selected by the committee.⁶⁵

Following a decade of expanding USSS's protection mission, Congress further amended this mission, and renamed the White House Police Force as the Executive Protection Service (EPS) in 1970. Congress authorized the USSS Director to administer the EPS's protection of:

- the Executive Mansion and grounds in the District of Columbia (D.C.);
- any building with presidential offices;
- the President and immediate family;
- foreign diplomatic missions located in the metropolitan D.C. area; and
- foreign diplomatic missions located in the United States, its territories, and its possessions — as directed by the President.⁶⁶

EPS was renamed the "Secret Service Uniformed Division" in 1977.⁶⁷

Along with the protection of foreign diplomatic missions, Congress, in 1971, authorized USSS to protect visiting heads of foreign states, and other distinguished

⁶⁰ 79 Stat. 890.

⁶¹ 79 Stat. 791.

⁶² 81 Stat. 466.

⁶³ 82 Stat. 1198.

⁶⁴ 82 Stat. 170. Presidential and vice presidential candidates could decline protection.

⁶⁵ Ibid.

⁶⁶ 84 Stat. 74-75. USSS states, on their website, that it assumed the protection of foreign diplomatic missions outside of the metropolitan D.C. area in 1975. This document is available at [<http://www.secretservice.gov/history.shtml>].

⁶⁷ 91 Stat. 1371.

foreign visitors — at the direction of the President.⁶⁸ Congress also authorized the President to direct the protection of United States’ official representatives on special missions abroad.⁶⁹ Additionally, in 1971, Congress established criminal penalties for a person who “... knowingly and willfully obstructs, resists, or interferes with an agent of the United States engaged in the performance...” of USSS’s protection mission.⁷⁰

As Congress increased the authority of the USSS to protect foreign diplomatic missions and visitors, it once again expanded protection, this time in 1975, to include the Vice President’s immediate family.⁷¹ Congress further refined the protection mission in the Presidential Protection Assistance Act of 1976 (P.L. 94-524) by regulating the number and types of property to be protected by USSS.⁷² Also in 1976, Congress further expanded the list of who was eligible for USSS protection by adding presidential and vice presidential candidate spouses.⁷³ The “protectee” list was again expanded in 1977, when Congress authorized the USSS to continue to protect specified federal officials and their families.⁷⁴

The list was increased with the addition of former Vice Presidents and their spouses for a period to be determined by the President.⁷⁵ Temporary residences of the President and Vice President were designated (as determined by the Treasury Secretary) as property that could be protected if occupied in 1982.⁷⁶

For the first time in 1984, Congress enacted a consolidated list — from earlier statutes — of individuals authorized USSS protection. The statute amended 18 U.S.C. §3056, “Powers, authorities, and duties of United States Secret Service.”⁷⁷ In 1994, the protection of former Presidents and their spouses was limited to 10 years after the President leaves office.⁷⁸

⁶⁸ 84 Stat. 1941. One of the “distinguished foreign visitors” to receive USSS protection was Pope Benedict in April 2008.

⁶⁹ Ibid.

⁷⁰ 84 Stat. 1892.

⁷¹ 88 Stat. 1765.

⁷² 90 Stat. 2475. This activity arose in the aftermath of concerns that the security arrangements at multiple private residences were excessive and not adequately justified. See House Committee on Government Operations, Expenditures of Federal Funds in Support of Presidential Properties, H.Rept. 93-1052 (GPO, 1974), pp. 1-6.

⁷³ 90 Stat. 1239.

⁷⁴ 91 Stat. 3. The individual had to be an official who had been receiving USSS protection before 1977, and the President had to determine the former official still needed protection. This provision was repealed in 1984. 98 Stat. 3110.

⁷⁵ 94 Stat. 2740.

⁷⁶ 96 Stat. 1451.

⁷⁷ 98 Stat. 3110.

⁷⁸ 108 Stat. 2412-2413. “The protection of a former President will end ten years from the (continued...) ”

The list of “protectees” has also been affected by presidential directives. As an example, in 1986, the President directed USSS to protect the spouses of visiting heads of foreign states.⁷⁹ Any protectee may decline USSS protection except the President, the Vice President, the President-elect, or the Vice President-elect.⁸⁰

As the federal government began to address terrorist threats at the end of the 1990s, President William J. Clinton issued Presidential Decision Directive 62 (PDD 62) — “Protection Against Unconventional Threats to the Homeland and Americans Overseas” on May 22, 1998.⁸¹ PDD 62 established a framework for federal department and agency counter-terrorism programs that addressed the issues of terrorist apprehension and prosecution, increased transportation security, enhanced emergency response, and enhanced cyber security. PDD 62 also designated specific federal departments and agencies as the “lead” agencies in the event of terrorist attacks.⁸² The Service was designated as the lead agency with the leadership role in the planning, implementation, and coordination of operational security for events of national significance — as designated by the President.

On December 19, 2000, President Clinton signed P.L. 106-544, the Presidential Threat Protection Act of 2000, authorizing the USSS — when directed by the President — to plan, coordinate, and implement security operations at special events of national significance.⁸³ The special events were entitled National Special Security Events (NSSEs). Some events categorized as NSSEs include presidential inaugurations, major international summits held in the United States, major sporting events, and presidential nominating conventions. Among other actions, this act also established the National Threat Assessment Center (NTAC) within USSS. Congress required NTAC to provide the following assistance to federal, state, and local law enforcement agencies:

⁷⁸ (...continued)

date a former President leaves office, if the President served in office after January 1, 1997. Protection of the spouse of a former President will terminate in the event of remarriage or divorce from a former President. If the President dies in office or within one year of office, the spouse will receive protection for one year from the time of death. Provided, that the Department of Homeland Security Secretary has the authority to direct USSS to provide temporary protection for any of these individuals at anytime the Secretary or designee determines that conditions or information warrant such protection.” 18 U.S.C. §3056(a)(3).

⁷⁹ U.S. Department of Homeland Security, U.S. Secret Service, “United States Secret Service: Secret Service History,” website available at [<http://www.secretservice.gov/history.shtml>].

⁸⁰ President Richard M. Nixon declined USSS protection after leaving office.

⁸¹ Additionally, in 1995 a portion of Pennsylvania Avenue was closed off to vehicular traffic due to the bombing of the James Murrah Building in Oklahoma City, Oklahoma.

⁸² Presidential Decision Directive 62 is classified. The White House issued a fact sheet abstract about it, and the Federation of American Scientists has posted an “unclassified abstract” said to be “derived from” PDD 62, available at [<http://www.fas.org/irp/offdocs/pdd-62.htm>].

⁸³ 114 Stat. 2716.

- threat assessment training;
- consulting on complex threat assessment cases;
- researching threat assessment and targeted violence;
- promoting standardization of federal, state, and local threat assessments and investigations; and
- other threat assessment activities, as determined by the DHS Secretary.⁸⁴

Policy Questions

In light of the historical information presented above on the evolution of the statutory foundation for the USSS and its present budget authority, Congress might wish to consider the following policy questions, among others.

Missions

- Should Congress consider what is the optimum or preferred mission of the USSS and whether the mission should consist of both investigation and protection?
- Is the current allocation of resources, with the majority dedicated to the protection mission, appropriate?

Organization

- Five years after the establishment of DHS, is this department the most appropriate administrative location for the USSS?
- What are the advantages and disadvantages of alternative organizational arrangements, including the transfer of some functions and personnel back to the Treasury Department?

Missions. The two USSS missions — investigation and protection — have evolved over 143 years. Its original and oldest mission, which began in 1865, is its investigation mission. Statutorily, the protection mission did not begin until 1906. In FY2008, however, the protection mission received 76% of the agency's funding and employed approximately 73% of its full-time equivalents (FTE). In FY2008, the protection mission was appropriated approximately \$1.2 billion, and the investigation mission was appropriated \$389 million. Additionally, according to USSS FY2009 congressional justification, the FY2008 protection mission's FTE is 4,850, compared to the investigation mission's FTE of 1,850.

Table 1 of this report provides information on USSS's FY2007 and FY2008 budget authority, and its FY2009 budget request. One could assume that this allocation of resources reflects the agency priorities. Specifically, the USSS states

⁸⁴ Ibid.

that in FY2008 it required \$910,127,000 to “protect our nation’s leaders and other protectees.”⁸⁵ By comparison, financial investigations required \$334,371,000.⁸⁶

As described earlier in this report, USSS’s protection mission employs the majority of the Service’s agents and receives a larger share of the agency’s resources. Additionally, the majority of congressional action concerning USSS has been related to its protection mission. This difference may be the result of the costs associated with an increase in protecting individuals, events, and facilities. The relevant statutes identify what federal officials are authorized, through statute, USSS protection; the role and responsibilities of the Secret Service Uniform Division; and the Service’s role in security for NSSEs.

While Congress has maintained USSS’s role in investigating financial crimes, congressional action primarily has addressed, and continues to address the Service’s protection mission. An example of this in the 110th Congress is the House’s passage on June 9, 2008, of H.R. 5938, the “Former Vice President Protection Act of 2008,” which would require the Service to protect former Vice Presidents, their spouses, and minor children for a period up to six months after leaving office.⁸⁷ Another example of congressional interest in the Service’s protection mission occurred in the FY2008 Consolidated Appropriations Act, when Congress specifically stated that the USSS could not use any funds to protect any federal department head, except the DHS Secretary, unless the Service is reimbursed.⁸⁸

One could argue, potential terrorist attacks have resulted in an increase in the need for the Service’s protection activities. The Service’s protection mission has increased and become more “urgent” due to the increase in terrorist threats and the expanded arsenal of weapons that terrorists could use in an assassination attempt or attacks on facilities.⁸⁹ The USSS transfer from the Treasury Department to DHS indicates this change.

The establishment of a single mission, or a distinct primary and secondary mission, for the USSS is one option for Congress in light of this increased terrorist threat. One argument for this is that the majority of the Service’s resources are used for its protection mission, and that Congress has raised the issue of the Service’s competing missions of protection and investigation. It can be argued, however, that the Service trains its agents in both investigations and protection with no loss of a protectee in the last 45 years. Some have argued, however, that there needs to be an independent examination of the Service’s dual mission to evaluate the effectiveness

⁸⁵ U.S. Department of Homeland Security, U.S. Secret Service, *Fiscal Year 2009 Congressional Justification: Strategic Context*, p. 7.

⁸⁶ *Ibid.*, p. 8.

⁸⁷ H.R. 5938, introduced by Representatives Conyers, Smith, Scott, and Gohmert on May 1, 2008, and referred to the House Committee on the Judiciary.

⁸⁸ P.L. 110-161, Div. E, Title V, Sec. 516.

⁸⁹ Philip H. Melanson, and Peter F. Stevens, *The Secret Service: The Hidden History of an Enigmatic Agency*, p. 333.

of USSS's training.⁹⁰ If there were an evaluation of the Service's two missions, it might be determined that it is ineffective for the USSS to conduct its protection mission and investigate financial crimes.

Specifically, in 2008, USSS is engaged in an increased protection workload which includes protection of major presidential candidates, ensuring security for the 2008 presidential nominating conventions, preparing for the transfer of presidential administrations and the January 2009 inauguration. Congress addressed this issue at a hearing in April 2008 on candidate protection.⁹¹ Members expressed concern with the Service's ability to meet the demands of its dual mission.⁹² USSS Director, Mark Sullivan stated, at the hearing, that the Service has "initiated" candidate protection approximately 18 months before the general election, the earliest it has ever begun protection.⁹³ Director Sullivan also stated that the Service has employed approximately 1,000 Transportation Security Administration screeners, also within DHS, to augment the Service's uniform division's officers for security screening at campaign functions.⁹⁴

Organization. As one examines the placement of the Service in DHS following the terrorist attacks of September 11, 2001, it might be useful to examine the missions of the Departments of Treasury and Homeland Security, and the Homeland Security Council's *National Strategy for Homeland Security*.⁹⁵

Department of the Treasury's Mission. The Department of the Treasury's mission is to "Serve the American people and strengthen national security by managing the Government's finances effectively, promoting economic growth and stability, ensuring the safety, soundness, and security of the U.S. and international finance systems."⁹⁶ Specifically, the Department of the Treasury is authorized to establish a Financial Crimes Enforcement Network (FinCEN), which would, among other activities, identify possible criminal activity to appropriate law enforcement entities; support criminal financial investigations and prosecutions; determine emerging money laundering and financial crime trends; and support intelligence and

⁹⁰ Philip H. Melanson, and Peter F. Stevens, *The Secret Service: The Hidden History of an Enigmatic Agency*, p. 335.

⁹¹ U.S. Congress, House Committee on Appropriation's Subcommittee on Homeland Security, *Fiscal Year 2009 Budget for Secret Service's Candidate Protection*, hearing, 110th Cong., 2nd sess., April 3, 2008, p. 2.

⁹² *Ibid.*, p. 3.

⁹³ *Ibid.*, p. 4.

⁹⁴ *Ibid.*, p. 8. At the hearing USSS Director Sullivan stated that it costs approximately \$44,000 a day to protect a presidential candidate.

⁹⁵ The homeland security strategy is available at [<http://www.whitehouse.gov/infocus/homeland/nshs/NSHS.pdf>].

⁹⁶ U.S. Department of Treasury, "Duties and Functions: Mission," available at [<http://www.treas.gov/education/duties/>].

counterintelligence activities to protect against international terrorism.⁹⁷ The Department of the Treasury also has an Office of Intelligence and Analysis which is responsible for the “receipt, analysis, collation, and dissemination” of foreign intelligence and counterintelligence related to the Department of Treasury’s operations and responsibilities.⁹⁸ Finally, within the Department of Treasury, there is an Office of Terrorism and Financial Intelligence, whose functions include providing policy, strategic, and operational direction relating to:

- combating terrorist financing; and
- combating financial crimes, including money laundering, counterfeiting, and other offenses threatening the integrity of banking and financial systems.⁹⁹

These functions are similar to elements of the USSS investigation mission.

Department of Homeland Security’s Mission and National Homeland Security Strategy. DHS’s mission statement reads “We will lead the unified national effort to secure America. We will prevent and deter terrorist attacks and protect against and respond to threats and hazards to the nation. We will ensure safe and secure borders, welcome lawful immigrants and visitors, and promote the free flow of commerce.”¹⁰⁰ More specifically, certain authorities and responsibilities of the Homeland Security Act address USSS activities. Some involve DHS’s mission to prevent terrorist attacks within the U.S.¹⁰¹ and reduce the nation’s vulnerability from terrorist attacks.¹⁰² The focus on terrorism prevention, within a homeland security context, is further reinforced with the October 7, 2007, version of the Homeland Security Council’s *National Strategy for Homeland Security*. The strategy’s four goals are:

- prevent and disrupt terrorist attacks;
- protect the American people, our critical infrastructure, and key resources;
- respond to and recover from incidents that do occur; and
- continue to strengthen the foundation to ensure our long term success.¹⁰³

⁹⁷ 31 U.S.C. 310(C).

⁹⁸ 31 U.S.C. 311(a)(2).

⁹⁹ 31 U.S.C. 313(a)(4).

¹⁰⁰ U.S. Department of Homeland Security, “Strategic Plan - Securing Our Homeland,” available at [<http://www.dhs.gov/xabout/strategicplan/index.shtm>].

¹⁰¹ 6 U.S.C. 111(b)(1)(A).

¹⁰² 6 U.S.C. 111(b)(1)(B).

¹⁰³ Office of the President, National Homeland Security Council, *National Strategy for Homeland Security*, p. 1, available at [<http://www.whitehouse.gov/infocus/homeland/nshs/NSHS.pdf>].

Arguably, the authority for the USSS to protect specified categories of individuals listed in 18 U.S.C. 3056(a) (provided earlier in this report) and the Service's investigation into financial crimes related to terrorism or terrorist organizations meet DHS's mission and the strategy's goals of preventing and disrupting terrorist attacks. Some past assassination attempts on Presidents, President-elects, and candidates have been terrorist attacks, such as the 1901 assassination of President McKinley by an anarchist and the attempted 1951 assassination attempt on President Harry S. Truman by two Puerto Rican nationalists.¹⁰⁴ However, to date, no attempted or successful assassination has been attributed to an individual professing to be a terrorist or being a member of a terrorist organization. It is not unreasonable, however, to associate general terrorist threats with potential dangers to top government officials. In its study, through the National Threat Assessment Center (NTAC), USSS found that "assassins and attackers plan their attacks and are motivated by a wide range of issues."¹⁰⁵ The NTAC study also "suggests" that mental illness is not critical to determining legitimate threats; the ability to develop and execute a plan is a more significant factor.¹⁰⁶ Terrorists are motivated by many issues and ideologies, and have proven to be adept at developing and executing plans.

Also, in the *National Strategy for Homeland Security*, "banking and finance" is listed as a critical infrastructure and key resource.¹⁰⁷ USSS's original mandate to investigate crimes against United States' financial system meets the strategy's goal to protect our critical infrastructure and key resources. DHS's National Protection and Programs Directorate contains an Office for Infrastructure Protection (OIP). OIP is responsible for the "coordinated national effort to reduce risk to our critical infrastructures and key resources (CI/KR) posed by acts of terrorism. In doing so, the department increases the nation's level of preparedness and the ability to respond and quickly recover in the event of an attack, natural disaster, or other emergency."¹⁰⁸ It could be assumed that DHS's responsibility for ensuring the protection of critical infrastructure, which includes banking and finance, supports USSS transfer to DHS. Therefore, it could be argued that the USSS is able to effectively execute its missions as a distinct entity within DHS.

It can also be argued that because of the Department of the Treasury's mission to ensure the nation's financial systems, USSS could execute its investigation of financial crimes mission as one of the department's entities — as it was prior to its transfer to DHS in March 2003. This option might ensure that the lead agency for

¹⁰⁴ For a detailed list of assassination attempts, see CRS Report RS20821, *Direct Assaults Against Presidents, President-elects, and Candidates*, by Frederick Kaiser.

¹⁰⁵ U.S. Department of Homeland Security, U.S. Secret Service, "United States Secret Service: National Threat Assessment Center," available at [<http://www.secretservice.gov/ntac.shtml>].

¹⁰⁶ Ibid.

¹⁰⁷ Office of the President, National Homeland Security Council, *National Strategy for Homeland Security*, p. 27.

¹⁰⁸ U.S. Department of Homeland Security, "Office of Infrastructure Protection," available at [http://www.dhs.gov/xabout/structure/gc_1185203138955.shtm].

financial crime investigations was part of the federal government's financial department.

This option would require an evaluation of the Service's history of its protection mission when it was part of the Treasury Department, and if the Service would still be effective in this mission if it was reassigned to the Treasury Department. Again, this was an activity USSS executed as part of the Treasury Department prior to March 2003, however, the Service's protection mission has taken on increased significance since September 11, 2001. This may, arguably, be a reason to maintain USSS's protection mission within DHS. Presently, the Service's practice of training its agents in investigations and protection could impede on this division of USSS between the Departments of Treasury and Homeland Security.

Another example of an agency that could possibly assume the Service's investigation mission is the FBI, which has the mission of protecting and defending the United States against terrorist and foreign intelligence threats, and enforcing the criminal laws of the United States.¹⁰⁹ However, this might be problematic, since investigations of financial crimes was the original mission of the USSS. Additionally, the Service has developed a proficiency in investigating financial crimes that the FBI may not be able to replicate, unless USSS personnel and resources were transferred.

It may be argued that it is necessary for Congress to debate the question of what is the primary USSS mission in order to determine where the Service can efficiently execute its mission and be appropriately supported. This evaluation could result in the status quo (USSS as a DHS agency), a separation of USSS missions (financial investigations in the Treasury Department and protection in DHS), or the Service being transferred back to the Department of the Treasury. Another possibility may be establishing the USSS as an independent agency that investigates financial crimes and conducts its protection mission. This would require Service coordination with the Treasury Department during financial crime investigations, and coordination with other governmental entities — such as DHS and the Department of Justice — when USSS is executing its protection mission. One additional course of action could be having the Service transferred to a federal department other than Treasury or DHS, such as the Department of Justice. Regardless of how the Service is organized, it may be necessary to examine how USSS is funded and if the present procedure of funding adequately meets the Service's needs and organization.

¹⁰⁹ Federal Bureau of Investigation, "About Us-Quick Facts," available at [<http://www.fbi.gov/quickfacts.htm>].

Conclusion

From 1865 to the present, USSS has been investigating financial crimes, its only activity for the first three decades, and protecting senior executive branch officials, most notably the President. Recently the Service has increased its efforts in cybersecurity and its protection activities due to certain events, such as the terrorist attacks of September 2001 and the war in Iraq. The missions of the Service have evolved and conformed to presidential, departmental, and congressional requirements. Due to evolving technology and tactics used in crimes — including financial, cyber, terrorism, and attempted assassinations — USSS has had to evolve. As the cost of this law enforcement increases, and the number of protectees increases (at least during presidential campaign election years), the Service is having to determine how to continue to balance and fulfill its two missions.

Appendix: Statutes Addressing U.S. Secret Service Activities

Statute	Brief Description	Year
2 Stat. 404	The Enforcement of Counterfeiting Prevention Act passed; authorized U.S. marshals and district attorneys to investigate and prosecute counterfeiters.	1806
12 Stat. 102	Counterfeiting investigation authority transferred to the Department of the Treasury.	1860
12 Stat. 665	National Currency Act passed by Congress.	1863
16 Stat. 162	The Office of the Solicitor of the Treasury transferred to the Department of Justice.	1870
22 Stat. 230	Statutory recognition given to the Secret Service Division (SSD) in an appropriation act.	1882
34 Stat. 708	Congress, for the first time, appropriated funds specifically for the protection of the President.	1906
38 Stat. 23	Beginning of annual authorization for presidential protection.	1913
39 Stat. 919	Congress makes it a crime to threaten the President.	1917
40 Stat. 120	Congress authorizes SSD to protect the President's immediate family.	1917
42 Stat. 841	White House Police Force established.	1922
44 Stat. 918	Treasury Secretary authorized to use SSD to investigate counterfeiting.	1926
46 Stat. 328	Congress authorizes SSD to administer and supervise the White House Police Force.	1930
48 Stat. 178	Congress authorizes SSD to investigate and arrest individuals involved in fraud related to the Federal Deposit Insurance Corporation.	1933
57 Stat. 259-260	Congress, for the first time, appropriates funding for the SSD's investigation and protection missions.	1943
62 Stat. 818	SDD authorized to investigate crimes related to federal banks and loan associations.	1948
65 Stat. 122	Congress permanently authorizes the "U.S. Secret Service" to protect the Presidents, their immediate families, Vice Presidents (if so desired), and the Presidents-elect.	1951

Statute	Brief Description	Year
67 Stat. 68	Congress, for the first time, uses the title “U.S. Secret Service” in an appropriation act.	1954
76 Stat. 809	Congress authorizes reimbursement to USSS for funds used to purchase counterfeit currency.	1962
76 Stat. 956	Congress authorizes permanent protection of the Vice President and former Presidents (as requested) for a “reasonable amount of time.”	1962
77 Stat. 348	Congress authorizes USSS protection of Mrs. Jacqueline Kennedy and her minor children for two years following the assassination of President John F. Kennedy.	1963
79 Stat. 791	Congress authorizes permanent protection of former Presidents and their spouses during their lifetime, and their children until age 16.	1965
79 Stat. 890	Congress authorizes USSS agents to make arrests without warrants if crimes are committed in their presence.	1965
81 Stat. 466	Congress extends USSS protection to widows of former Presidents and minor children until March 1, 1969.	1967
82 Stat. 170	Congress authorizes the Treasury Secretary to determine what presidential and vice presidential candidates should receive USSS protection, and establishes an advisory committee to assist the Secretary in this determination.	1968
82 Stat. 1198	Congress permanently authorizes the protection of former Presidents’ widows and minor children.	1968
84 Stat. 74-75	Congress renames the White House Police Force the Executive Protection Service (EPS), and authorizes the USSS Director to ensure EPS’s protection of different locations and facilities.	1970
84 Stat. 1892	Congress makes it a crime to interfere with USSS agents engaged in a protection mission.	1971
84 Stat. 1941	Congress authorizes USSS protection of visiting heads of foreign states, distinguished foreign visitors, and U.S. officials abroad on special missions.	1971
88 Stat. 1765	Congress extends USSS protection of foreign diplomatic missions and the Vice President’s immediate family.	1975

Statute	Brief Description	Year
90 Stat. 1239	Congress authorizes protection of presidential and vice presidential candidates' spouses.	1976
90 Stat. 2475	Congress identifies the number and types of residences and properties to be protected by USSS, such as residences owned by Presidents and Vice Presidents.	1976
91 Stat. 3	Congress authorizes USSS protection to specified federal officials. Repealed in 1984 (98 Stat. 3110).	1977
91 Stat. 1371	EPS is renamed the Secret Service Uniform Division.	1977
94 Stat. 2740	Former Vice Presidents and spouses are authorized USSS protection if directed by the President, but not indefinite protection.	1980
96 Stat. 1451	Temporary presidential and vice presidential residences were designated as property that could be protected when occupied.	1982
98 Stat. 2192	USSS authorized to investigate credit card and computer fraud.	1984
98 Stat. 3110	Congress authorizes a specific list of individuals to be protected by USSS, including the President, Vice President, and their immediate families.	1984
104 Stat. 1427	Congress authorizes USSS to conduct civil and criminal investigations into crimes against federally insured financial institutions.	1990
108 Stat. 2043	Congress mandates that USSS provide technical and analytical assistance to the National Center for Missing and Exploited Children.	1994
108 Stat. 2413	Congress modifies authorities concerning protection of former Presidents and their spouses by limiting the protection to ten years following the date the President leaves office.	1994
114 Stat. 2716	Congress authorizes USSS to plan, coordinate, and implement security at National Special Security Events, and established the National Threat Assessment Center within the Service.	2000
115 Stat. 277	Congress authorizes USSS to establish electronic crimes taskforces.	2001
116 Stat. 2224	Congress transfers USSS to DHS as a "distinct entity."	2002